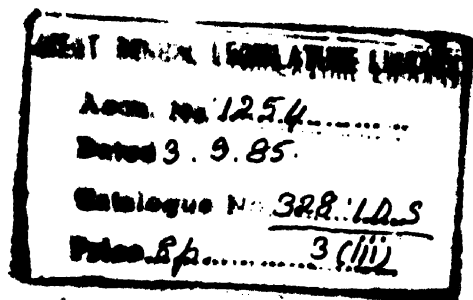


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Part I

Decisions of

Mr. Speaker Shri Bijoy Kumar Banerjee
from 6th March, 1969 to 10th March, 1970



Part II

Decisions of

**Mr. Deputy Speaker Shri Apurba Lal Majumdar
from 6th March, 1969 to 10th March, 1970**

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PART I

ADJOURNMENT MOTION

Adjournment motion declared as out of order should not be allowed to be read

On the 16th July, 1969, an honourable Member Dr. Nalinaksha Sanyal, submitted a notice of adjournment motion desiring to raise the matter on the floor of the House that day. But the said notice reached the Speaker when the bell was ringing for the sitting of the House. The Speaker declared the motion as out of order for shortness of time and did not allow the Member concerned to read out his motion.

(Progs. 16th July, 1969, Vol. 49, Pages 650-51)

Only the motion itself to be read and not the long statement

On the 9th September, 1969, one Member, Shri Sadhan Gupta, raised a point of order regarding adjournment motion and said that an adjournment motion would be a subject of definite public importance and reading of any statement was absolutely outside the scope and that would not be allowed. Thereupon the Speaker ruled as follows :

“I fully agree with honourable Member, Mr. Sadhan Gupta, because the rules definitely say so, and I have disallowed the motions although I have allowed them to just read the motion only and not the long statement. I withheld consent on the grounds that short statement required under rule 60 was not furnished and that the motions are not framed in proper language and contain arguments and in appropriate expressions as in rule 314. Both under rule 60 and rule 314 I have withheld consent but according to the convention of this House I have allowed the honourable Members to read only the motion itself and not the long statement.”

(Progs. 9th September, 1969, Vol. 49, No. 3, Page 691)

AMENDMENT

Amendment to motion should be in the same language as that of the original motion

On the 5th February, 1970, an Hon'ble Member (Dr. Nalinaksha Sanyal) brought an amendment in English to the motion of thanks in reply to the Governor's Address. The Speaker thereupon made the following observation :—

“The main motion is in Bengali. How can I fit in your English amendment to the Bengali motion? So if you translate that in Bengali, that is preferable. I am not banning English, you can say whatever you like you see, all of us are very much anxious to introduce Bengali. The main motion is in Bengali and how can I fit in an amendment in English to a motion which is in Bengali.”

(Progs. 5th February, 1970, Vol. 50, No. 1, Page 495)

DEBATE

Member can criticise an officer of Government

On the 7th August, 1969, when an Hon'ble Member, Shri Pijush Kanti Mukherjee, brought allegations against an officer (Dr. B. Bhattacharjee), another Member (Shri Amritendu Mukherjee) drew the attention of the Speaker and said that if the allegations were not based on facts, these should be expunged from the proceedings or if the allegations were not proved within a specified time the Member must apologise. The ruling of the Speaker on this matter was as follows :

"An Hon'ble Member of this House is entitled to make any reference with regard to any officer of Government. The Hon'ble Health Minister is here to defend his officer if he so likes. I can say that a Member's right to criticise an officer is unrestricted here."

(Progs. 7th August, 1969, Vol. 49, No. 2, Page 1347)

MOTION

Addition of the last clause to the motion of thanks in reply to Governor's Address, though unusual and without precedent, does not make it out of order

On 11th March, 1969, the Leader of the Opposition, Mr. S. S. Ray, raised a point of order on the motion of thanks in reply to Governor's Address. Mr. Speaker after hearing the points raised by Mr. S. S. Ray and others ruled the motion to be in order.

The full text of the ruling is given in Appendix I.

(Progs. 11th March, 1969, Vol. 48, Page 93)

PRIVILEGE

Policy statements by Ministers outside the House do not constitute a breach of privilege of the House

On the 7th July, 1969, one Hon'ble Member (Shri Muhammad Khuda Buksh) raised a question of breach of privilege of the House that the Hon'ble Food Minister (Shri Sudhin Kumar) having furnished to the Press Government policy on decontrol of wheat products without informing the House beforehand had shown discourtesy to the House and his conduct had been improper and readily deserved censure. Thereupon the Speaker cited three rulings of the Lok Sabha Speaker on this subject and observed as follows :

"I would hold that no breach of privilege is involved in the matter though I would urge that such a statement should have been made in the House, as it is in session now."

(Progs. 7th July, 1969, Vol. 49, No. 1, page 192)

Inaccurate account of proceedings of the House in a newspaper to be overlooked when there is nothing malafide in its intention

On 10th July, 1969, a motion of privilege was raised by one Member (Shri M. A. Latif) regarding the inaccurate account of proceedings of the House in the "Basumati" a Bengali newspaper. The Member sought that the matter might be referred to the Privilege Committee. Thereupon the Speaker ruled as follows :

"I have considered your privilege motion and read it very carefully. As happened only the other day about the alleged inaccurate statement made by certain newspaper I ruled that perhaps due to the noise and confusion the Reporters might not have heard the entire correct facts.

So, in this case also a similar situation might have arisen for which the "Basumati" Reporters might not have got the correct state of facts. So the account given by the "Basumati" might not have been in accordance with what actually happened in the House but I am sure there is nothing mala fide in its intention. In view of this I think the House should be inclined to overlook the matter and no further action is called for."

(Progs. 10th July, 1969, Vol. 49, No. 1, page 399)

Members have the right to come undisturbed to the House and to go out as they like

On 23rd February, 1970, an honourable Member, Shri Bibhuti Pahari, pointed out that when the Chief Minister had been presenting the Budget on 20th February 1970, some armed people obstructed the passage of the gates of the Assembly House and as a result thereof some Members could not enter the House to attend its sitting and also could not go out of the Assembly precincts when the sitting was over. He opined that the rights and privileges of the Members was thus curtailed. The Speaker referred the matter to the Committee of Privileges.

The full text of the ruling is given in Appendix II.

(Progs. 23rd February, 1970, Vol. 50, No. 2 page 67)

Matter requiring immediate decision of the House should not be raked up later on

While disposing of two notices of privilege motion on 26th February, 1970, which were based on the unhappy incidents in the House on 23rd February, 1970, the Speaker ruled as follows :

"Following the House of Commons procedure I do not think that the matter which ought to have been decided by the House then and there should be raked up now. We are all unhappy on the matter and let it rest there. I hope it will not recur again and everybody should help preserve the dignity of the House."

The full text of the ruling is given in Appendix III.

(Progs. 26th February, 1970, Vol. 50, No. 2 page 332)

SPEAKER

Speaker to protect the dignity of the House and its members

On the 21st January, 1970 at about 4-30 p.m. some unruly demonstrators blocked the passage of the Chief Minister (Shri Ajoy Kumar Mukhopadhyay) from his room to the Assembly Chamber, raised slogans against him and physically assaulted him while he was coming to the Assembly Chamber. On the 22nd January, 1970, some Members expressed their grave concern over this matter on the floor of the House and solicited the Speaker's action in this regard. Thereupon the Speaker gave a ruling which is given in Appendix IV.

(Progs. 22nd January, 1970, Vol. 50, No. 1, page 39)

PART II

BILL

Members of the Select Committee not to speak on the motion for referring the Bill to the Select Committee

On 9th September, 1969, when one Member (Dr. Nalinaksha Sanyal) began to speak on the motion that the West Bengal Panchayat Bill, 1969, be referred to a Select Committee, the Minister-in-charge of the Panchayat Department (Shri Bibhuti Bhusan Das Gupta) who was piloting the Bill pointed out to the Deputy Speaker, on a point of order, that as per the tradition of this House a Member who would be included in the Select Committee should not speak. But Dr. Sanyal wanted to speak on the motion, though he was included as one of the members of the Select Committee. Thereupon the Deputy Speaker requested Dr. Sanyal not to speak on the motion and made the following observation :—

“This tradition has been built up for a long time. I understand that you are included in the Select Committee. You will give your valuable advice during the sittings of the Select Committee. So I think it is better as has been followed so long that the members of the Select Committee should not speak. The Hon'ble Minister has moved his motion and has stated the basic principles and this is in conformity with the statement made by Shri Saila Kumar Mukherjee while he moved such a motion. Therefore, I will request you not to insist on breaking this convention which has been built here. I think it is better that every member of your side should speak and not the members who are in the Select Committee. I would request you not to speak because you are to formulate the principles in the Select Committee and give your valuable suggestions there.”

(Progs. 9th September, 1969, Vol. 49, No. 3 page 709)

DEBATE

Reference to high dignitaries in speeches

On a reference being made by an honourable Member in his speech about a Chief Minister of a State in disrespectful language the Deputy Speaker observed as follows :

“I request the honourable Members to show proper respect in their speeches while making references to high dignitaries like Chief Minister and Minister of other States, Central Ministers and other respectable persons. They should make references to them in dignified terms.”

(Progs. 28th July, 1969, Vol. 49, No. 2, Page 521)

Member should address the House through the Chair

While speaking on a demand for grant on 6th August, 1969, one Member was repeatedly pointing his finger towards the treasury bench. Another Member (Shri Amalendra Roy) attracted the attention of the Deputy Speaker to this by way of a point of order. The Deputy Speaker gave the following ruling :—

“Mr. Roy, as a senior Member, I think, he is supposed to know that he has to address the House through the Chair. But sometimes we find that honourable Members from both sides do not observe the

rules and this practice is going on. I appreciate that this should not be followed. I, therefore, request all the honourable Members including Mr. Abdus Sattar, to address the House through the Chair."

(Progs. 6th August, 1969, Vol. 49, No. 2, page 1238)

UNPARLIAMENTARY EXPRESSION

"Mithya"

When one Member remarked that the statistics given by the Food Minister were "Mithya" (false) the Deputy Speaker requested the Member not to use that word as it was unparliamentary.

(Progs. 25th March, 1969, Vol. 48, Page 704)

APPENDIX I

Ruling of Mr. Speaker delivered on the 11th March, 1969, on the point of order raised by Shri S. S. Ray on the motion of thanks in reply to Governor's Address

Mr. Speaker : Honourable Members, I wanted to give my reasons on the point of order raised by the Leader of the Opposition, Mr. Siddhartha Shankar Ray, and I then informed the House that I would give my reasons for the ruling that I gave.

The motion of thanks for the Governor's Address consists of two clauses connected with each other, one offering thanks and the other referring to the commission by the Governor to read paragraph 2 and 3 of the printed speech circulated to the Members.

It has been urged that this is unusual and does not conform to the rules of procedure relating to the motion of thanks and other rules, for which it should be declared out of order. I have already ruled it to be in order.

I must say at once that the present motion of thanks, by reason of the addition of the last clause, is unusual and without precedent whether in Bengal or the rest of India. That by itself, however, does not make it out of order. The circumstances in which the Governor's Address was delivered have been unusual, unprecedented and extraordinary.

It should also be admitted that the present motion of thanks is a departure from the usual formal terms to which we have been accustomed. The first clause of the motion conforms strictly to rule 16(3) of the rules of procedure of this House. But this rule is silent upon the question whether an additional relevant clause can be added in the motion itself when moved. Neither does this nor any other rule debar the initial insertion of such an additional clause in the main motion.

Though there are no precedents in India, so far as I have been able to gather, at least three precedents are available in the United Kingdom. In 1892 and 1896 an additional clause conveying condolence on the death of

prince was added originally to the clause of thanks for the Queen's Speech. In 1921, an additional clause declaring the readiness of the House to confirm and ratify certain articles of agreement was added initially to the clause conveying the thanks of the House for the King's Speech. In each case this additional clause was added to the main motion of thanks originally, but not by way of amendment. May also observe at pages 33 and 289 that the causes of summons as declared from the Throne do not bind Parliament to consider them alone.

The second clause of the present motion is linked with, and not extraneous to, the matters referred to in the Governor's Address. Before the two Houses assembled together, upon the Chief Minister inviting his attention, the Governor expressed his pleasure to omit to read paragraphs 2 and 3 of the printed speech circulated to the members, from which he read and the expression of such pleasure followed by the fact of such commission has become matters referred to in the Governor's Address. In the circumstances I rule that the present motion of thanks, though a complete departure from the past, is technically a valid substantive motion.

It must, however, be made clear that the contents of the paragraphs 2 and 3 are no part of the Governor's Address and I express no opinion on the merits of these paragraphs. The motion itself does not express any opinion on the constitutionality or otherwise of the dismissal of the first United Front Ministry but simply explains in a summary form the contents of the two omitted paragraphs. Here is no occasion for discussing the constitutionality or legality of the dismissal of the previous United Front Ministry. The sub judice rule has no application in the present case.

APPENDIX II

Ruling of Mr. Speaker delivered on the 23rd February, 1970 on the point of privilege raised by Shri Bibhuti Pahari

Mr. Speaker : I have heard the honourable Member, Shri Bibhuti Pahari. It is a very serious matter. I consider that this privilege motion has got a prima facie case and so I allow the privilege motion to be moved. I, as a Speaker of the House, according to the rules want to refer the matter to the Committee of Privileges to take such action as they consider fit and proper because I feel, as everyone of you feel very very strongly that the honourable Members of this Assembly must have the right to come undisturbed in this Assembly and to go out as they like. I feel that all possible steps should be taken by the Government. I can only tell them that if this is not possible, it may so happen that I shall have to adjourn the House sine die. Because this Assembly must be allowed to function. They have got every right to come in or to go out but certainly it should be seen that who is responsible for bringing those gentlemen and those ladies before the gates. So I refer the matter to the Committee of Privileges and I am sure the Committee of Privileges will go deeply into the matter and take suitable steps.

APPENDIX III

Ruling of Mr. Speaker delivered on the 26th February, 1970 on the two privilege motions given notices of by Shri Nepal Roy and Shri Jagadish Chandra Sinha respectively

Mr. Speaker : I have received a notice of a privilege motion from Shri Nepal Roy in which he has sought to raise what happened on the floor of the House on the 23rd February between two Hon'ble Ministers namely the Minister for Education and the Minister for Community Development.

I have also received another notice of a privilege motion from Shri Jagadish Chandra Sinha in which he has sought to raise two matters namely, the forcible obstruction caused on the 23rd February by two Hon'ble Ministers, namely, Shri Jatin Chakraborty and Shri Ram Chatterjee in preventing the Hon'ble Minister for Community Development from giving a personal explanation and that subsequently the Hon'ble Minister Shri Jatin Chakraborty held out a threat of gherao to the Leader of the Opposition.

The point of privilege sought to be raised by means of the two notices hinges on the unhappy incidents witnessed by the House on the 23rd instant.

Hon'ble Members are aware that the privileges of our House are by virtue of article 194(3) of the Constitution identical with those of the House of Commons in the United Kingdom.

In the House of Commons any disorderly, contumacious or disrespectful conduct in the presence of the House constitutes a contempt when it comes from a stranger. But when a Member commits misbehaviour in the actual view of the House, he is dealt with at once by the House. During the tumultuous situation of that day I could not follow what was exactly going on. I consulted the proceedings which only recorded "golmal" going on.

Following the House of Commons procedure I do not think that the matter which ought to have been decided by the House then and there should be raked up now. We are all unhappy over the matter and let it rest there. I hope it will not recur again and everybody should help preserve the dignity of the House.

APPENDIX IV

Ruling of Mr. Speaker delivered on the 22nd January, 1970, regarding the incident of obstructing the Chief Minister to come to the Assembly Chamber

Mr. Speaker : Honourable Members, I have heard almost all of you on this very sad incident that happened yesterday. Nobody is more sorry than myself as to what happened to our aged, respected Chief Minister. I am reminded of protecting the dignity of the House. I can assure you that I will spare no pains to protect the dignity of this House—not only of this House but of every Member including the Minister. But I will not allow any one of you to take this opportunity to serve other purposes. I will protect the dignity of the House. (Shri NEPAL CHANDRA ROY : You have failed.) I might have failed but it is not for you to say so, Mr. Roy. Worst things happened before my time. I know that. Whatever it is I express not only my sincere regret for what happened yesterday but also express the regret on behalf of the honourable and respected Members.

for the incident that happened yesterday. I can assure you that I am strong enough so long as I am in the Chair to protect the dignity of the Chair and the right of this Chair. I will not allow you to behave in a way that you are behaving. You must allow the Speaker to continue. Whether I will continue for a day or not I do not care. But so long I am here I will not allow any one of you to force me to do which do not want to do. But you cannot expect the Speaker to deal with the situation in the midst of this Assembly House when the discussion or when other things are being done. I have already told you that I will sent for almost all the Members or Members who can help me to find out ways and means as to what I should do. I do not want to do anything myself. I have already said that I have taken some steps, however inadequate they may be, but that was an indication of my mind of doing something for the protection of the dignity of this House. I can assure you I want your co-operation irrespective of the party or political consideration. I want you to dispose of this matter without any excitement or without doing anything but with what justice demands, if you help me I will be obliged. If you tell me as to who amongst you want to come, no matter to whichever party you may belong, I am prepared to hear you and to abide by what you say. After consultation I shall try my best to do justice. Beyond that you cannot expect me to do whatever you like and to obstruct the business of the House. That would be unbecoming of any Speaker to close the House, to shut the House for which you and I are all paid.

